

REMARKS

This paper is responsive to an Office Action that issued in this case on 10 December 2010.

In that Office Action, the Examiner rejected claims 1-24 as follows:

- Claims 1-8, 11-13, and 16-24 were rejected under 35 USC § 103 as being obvious over the combination of US Patent No. 7,447,495 B2 (hereinafter "Agrawal") and the Examiner's Official Notice (hereinafter "Official Notice").
- Claims 9, 10, 14, and 15 were rejected under 35 USC 103 as being obvious over the combination of Agrawal and US Patent No. 6,718,014 (hereinafter "Haim").

The applicants request reconsideration in light of the following comments.

The Invention

The present invention provides a way to deliver a voice mail to a recipient with presence information of the sender.

For example, John leaves a voice mail for his friend Sally and the voice mail is stored in Sally's voice mailbox. At some point in time, Sally uses her terminal (e.g., her cell phone) to query a server to retrieve John's voice mail and his presence information; that is, whether John is currently available to communicate via e-mail, instant message, a telephone call, or other communication means at a particular terminal.

In response to Sally's query, the server retrieves John's voice mail and his presence information, which are both subsequently transmitted to Sally's terminal for display. Sally's terminal can display, for example, an indication of whether John is currently available to communicate via e-mail, instant message, a telephone call, or other communication means.

This capability is advantageous because it enables Sally to receive a voice mail and subsequently determine the best mode of communications to use when responding to John's voice mail.

35 USC § 103 Rejection of Claims 1-8 and 11

Claims 1-8 and 11 were rejected as being obvious over the combination of Agrawal and Official Notice. The applicants traverse the rejection for at least the reasons discussed below.

Independent claim 1 recites a method for delivering a voice mail message to a recipient, comprising:

receiving said voice mail message from a sender;
obtaining a presence status of said sender from a presence server; and
delivering said voice mail message to said recipient with an indication of a presence of said sender, said indication including an identification of at least one device where said sender is present.

Nowhere do Agrawal and the Official Notice (whether considered individually or in combination) teach, suggest, or motivate what claim 1 recites — namely, a method for delivering a voice mail message to a recipient comprising:

- receiving the voice mail message from a sender,
- obtaining a presence status of the sender from a presence server, and
- delivering the voice mail message to the recipient with an indication of a presence of the sender, wherein the indication includes an identification of at least one device where the sender is present.

First, the Examiner asserts that Agrawal discloses "*obtaining a presence status of a sender from a presence server*" so that an instant message can be delivered to a recipient with an indication of a presence of the sender. To the contrary, Agrawal discloses that a server obtains the presence information of a recipient and not the presence information of a sender.

According to col. 1, line 61 – col. 2, line 4 of Agrawal, a server obtains an "application presence data" of a recipient after receiving an instant message from a sender. Once obtained, the server evaluates the application presence data to determine whether or not the recipient is available to receive the instant message. If the evaluation indicates that the recipient is available, the instant message is delivered to the recipient; otherwise, the instant message is discarded or redirected to another destination (*see*, Agrawal at col. 1, line 61 through col. 2, line 4). It is clear from this passage that the server of Agrawal obtains the presence information of a recipient and not the presence information of a sender.

For at least the reasons discussed above, Agrawal fails to teach or suggest the limitation of *"obtaining a presence status of a sender from a presence server"* so that voice mail message can be delivered to a recipient with an indication of a presence of the sender.

Second, the Examiner asserts that Agrawal discloses at col. 6, line 64 – col. 7, line 10 the limitation of *"delivering a voice mail message to a recipient with an indication of a presence of a sender"* recited in claim 1. The applicants disagree.

The cited passage from Agrawal at best discloses using presence data of a user to configure a *"buddy list."* According to Agrawal, the buddy list is configured with the presence data to:

- indicate when a user will become available, or if a user is reachable, but not currently available,
- provide alerts as users log-on or log-off an instant messaging application,
- indicate that a user is available by cell phone and currently unavailable by desktop, and
- indicate cell phone status, such as data or voice mode.

But nowhere does Agrawal teach or suggest that an instant message is delivered to a recipient with an indication of a presence of a sender. Agrawal fails to teach, suggest, or otherwise motivate this limitation because a problem that arises when responding to voice mails does not exist in instant messaging.

As is well-known in the art, a voice mail stored at a server can incur a significant amount of delay between the time of transmission and the time of listening to the voice mail — that is, a recipient may not listen to a voice mail stored at a server for hours or even days. Because, the sender may not be present at the transmitting terminal when the recipient listens to the voice mail, the problem of determining the best mode of communications to use when responding to the voice mail arises.

This problem however does not exist in Agrawal because instant messaging is conducted in *"real time"* between a sender and a recipient. Since the delay time between transmitting and receiving an instant message is so minute, it is clear to the recipient that the sender is located at a transmitting terminal of the instant message. Therefore, the problem of determining the best mode of communications to use when responding to an instant message does not arise in Agrawal.

For at least the reasons discussed above, Agrawal fails to teach or suggest the limitation of *"delivering the voice mail message to the recipient with an indication of a presence of the sender, wherein the indication includes an identification of at least one device where the sender is present"* recited in claim 1.

Third, after a careful reading of Agrawal, the most pertinent passages that disclose the task of a server delivering an instant message to a recipient appear at col. 1, line 61 – col. 2, line 4 and col. 4, lines 4-21, as reproduced below:

Application presence data associated with the recipient is evaluated, and the message is processed based on the evaluation. According to representative examples, presence data is obtained from a presence repository or from an application server. In illustrative embodiments, the message is delivered to the selected recipient if the evaluation indicates that the recipient is available.

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FIG. 2B illustrates communication based on a communication network such as the communication network 100 of FIG. 1. A mobile client delivers an instant message (IM) using an application such as a mobile browser 202 that is configured to execute on a mobile communication device. The mobile browser 202 delivers the instant message using a handheld device transfer protocol (HDTP) and a handheld device markup language (HDML), or a wireless application (WAP) protocol and a wireless markup language (WML), or other protocols and languages, to a gateway 204. As shown in FIG. 2, the HDTP/HDML protocol message is delivered in an HTTP protocol to an instant messaging application server 206. The application server delivers the instant message to an instant messaging proxy client 208 and to the gateway 204 that delivers the message in HDTP/HDML protocol to a mobile browser 221 at a second mobile client. Presence information is obtained from a presence server such as the presence server 108 of FIG. 1. (see also, Agrawal at col. 4, lines 45-62 and col. 5, lines 23-52)

According to these passages from Agrawal, a server obtains the "presence information" of a recipient after receiving an instant message from a sender. Once obtained, the server evaluates the presence information to determine whether or not the recipient is available to receive the instant message. If the evaluation indicates that the recipient is available, the instant message is delivered to the recipient (see, Agrawal at col. 1, line 61 – col. 2, line 4).

The server transmits the instant message by converting the instant message from a first protocol to a second protocol and transmits the instant message to the recipient using the second protocol.

These passages from Agrawal however fail to disclose that the application server, instant messaging proxy client, and gateway transmit an instant message to a recipient with an indication of a presence of a sender — let alone, a voice mail with the indication, as required by claim 1.

Fourth, the Examiner asserts that col. 8, lines 46-64 of Agrawal also reads on the limitation of *"delivering said voice mail message to said recipient with an indication of a presence of said sender"* recited in claim 1. The applicants disagree.

The passage cited by the Examiner when read in conjunction with col. 1, line 61 – col. 2, line 4 pertains to an "instant messenger application" that obtains a recipient's presence data from an "application presence server." The recipient's presence data is obtained by the "instant messenger application" to determine whether or not data should be delivered to a recipient at a specific destination. However, nowhere does Agrawal disclose that an instant message is transmitted to a recipient with an indication of a presence of a sender.

For at least the reasons discussed above, Agrawal fails to anticipate or obviate the limitation of *"delivering said voice mail message to said recipient with an indication of a presence of said sender, said indication including an identification of at least one device where said sender is present"* recited in claim 1.

Since claims 2-11 depend on claim 1, and because claim 1 is believed to be allowable for the reasons presented, these dependent claims are likewise allowable. Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

35 USC § 103 Rejection of Claims 12, 13, and 16

Claims 12, 13, and 16 were rejected as being obvious over the combination of Agrawal and Official Notice. The applicants respectfully traverse the rejection for at least the reasons discussed below.

Independent claim 12 recites a method for delivering a voice mail message to a recipient, comprising:

receiving said voice mail message from a sender;
obtaining a presence status of said sender; and
providing a mechanism for said recipient to automatically respond to said sender at a device where said sender is believed to be present.

Claim 12 is allowable over Agrawal and the Official Notice of essentially the same reasons as claim 1. Namely, the combination of Agrawal and the Official Notice fail to teach or suggest a method for delivering a voice mail message to a recipient comprising:

- obtaining a presence status of a sender, and
- providing a mechanism for the recipient to automatically respond to the sender at a device where the sender is believed to be present.

In addition to being allowable for the reasons presented above, claim 12 recites additional patentable features that are neither taught nor suggested by Agrawal and the Official Notice, whether considered individually or in combination.

In particular, the Examiner asserts that Agrawal discloses providing a mechanism for a recipient to automatically respond to a sender at a device where the sender is believed to be present, citing to col. 8, lines 52-56. The applicants disagree.

This passage from Agrawal cited by the Examiner at best discloses that a user's interaction with an instant messaging application, a word processing application, an e-mail application, and a voice messaging application can be used to update the user's presence and availability status. However, nowhere does Agrawal disclose providing a mechanism for a recipient to automatically respond to a sender — let alone, automatically respond to the sender at a device where the sender is believed to be available.

For at least the reasons discussed above, Agrawal fails to anticipate or obviate the limitation of *"delivering said voice mail message to said recipient with an indication of a presence of said sender, said indication including an identification of at least one device where said sender is present"* recited in claim 1.

Since claims 13 and 16 depend on claim 12, and because claim 12 is believed to be allowable for the reasons presented, these dependent claims are likewise allowable.

Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

35 USC § 103 Rejection of Claims 17-24

Claims 17-24 were rejected as being obvious over the combination of Agrawal and Official Notice. The applicants respectfully traverse the rejection for at least the reasons discussed below.

Independent claim 17 recites an apparatus for delivering a voice mail message to a recipient, comprising:

a memory; and
at least one processor, coupled to the memory, operative to:
receive said voice mail message from a sender;
obtain a presence status of said sender from a presence server; and
deliver said voice mail message to said recipient with an indication of a presence of said sender, said indication including an identification of at least one device where said sender is present.

Claim 17 is allowable over Agrawal and the Official Notice of essentially the same reasons as claim 1. Namely, the combination of Agrawal and the Official Notice fail to teach or suggest an apparatus for delivering a voice mail message to a recipient comprising at least one processor, coupled to a memory, operative to:

- obtain a presence status of said sender from a presence server, and
- deliver said voice mail message to said recipient with an indication of a presence of said sender, said indication including an identification of at least one device where said sender is present.

Since claims 18-24 depend on claim 17, and because claim 17 is believed to be allowable for the reasons presented, these dependent claims are likewise allowable. Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

35 USC § 103 Rejection of Claims 9, 10, 14, and 15

Claims 9, 10, 14, and 15 were rejected as being obvious over the combination of Agrawal and Hiam. The applicants respectfully traverse the rejection for at least the reasons discussed below.

Since claims 9 and 10 depend on claim 1, and because claim 1 is believed to be allowable for the reasons presented, these dependent claims are likewise allowable. Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

Since claims 14 and 15 depend on claim 12, and because claim 12 is believed to be allowable for the reasons presented, these dependent claims are likewise allowable. Moreover, the recitation of additional patentable features recited in these dependent claims provides an additional basis for their patentability.

Request for Reconsideration Pursuant to 37 CFR § 1.111

Having responded to each and every ground for objection and rejection in the last Office action, applicants respectfully request reconsideration of the instant application pursuant to 37 CFR § 1.111 and request that the Examiner allow all of the pending claims and pass the application to issue.

If there are remaining issues, the applicants respectfully request that Examiner telephone the applicants' attorney so that those issues can be resolved as quickly as possible.

Respectfully,
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